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FILED

AUG 17 2015

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

MICHAEL E. KUNZ, Clerk  
By [Signature] Dep. Clerk

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SOY THOMAS

Plaintiff

CIVIL ACTION

v.

No.:

15 4679

APOTHAKE SCIAN, P.C. and

CAVALRY SPV I, LLC

Defendants

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JURY TRIAL DEMANDED

COMPLAINT

INTRODUCTION

1. This action is brought against Defendant for violations of the Fair Debt Collection Practices Act ("FDCPA"), 15 U.S.C. § 1692, et seq.

JURISDICTION AND VENUE

2. This Court has jurisdiction over this matter pursuant to 15 U.S.C. § 1692k(d) and 28 U.S.C. § 1331.

3. Venue is proper in this District Court pursuant to 28 U.S.C. § 1391 in that Defendants conduct business in this District, Plaintiff resides in this District, and a substantial part of the events giving rise to this action occurred in this District.

**PARTIES**

4. Plaintiff, SOY THOMAS, is, and was at all times mentioned herein, an adult individual residing in Montgomery County, Pennsylvania.

5. Defendant, APOTHAKE SCIAN, P.C.(“Apothaker”) is, and was at all times mentioned herein, a law firm with offices at 520 FELLOWSHIP ROAD, C306, MOUNT LAUREL, New Jersey, 08054 and is a debt collector within the meaning of 15 U.S.C. § 1692a(6).

6. Defendant, CAVALRY SPV I, LLC, (“Cavalry”) is, and was at all times relevant hereto, a business entity with offices at 500 SUMMIT LAKE DRIVE, SUITE 400, VALHALLA, NY, 10595 engaged in the business of purchasing debt.

**COUNT ONE**

**Violation of the Fair Debt Collection Practices Act (“FDCPA”)**

***15 U.S.C. § 1692, et seq.***

***THOMAS v. APOTHAKE AND CAVALRY***

7. Plaintiff is, and was at all times mentioned herein, a “consumer” as the term is defined in 15 U.S.C. § 1692a(3).

8. Defendant Apothaker is, and was at all times mentioned herein, a “debt collector” as the term is defined in 15 U.S.C. § 1692a(6).

9. On or about October 22, 2014, Defendant Apothaker sent Plaintiff a letter stating that it represented Defendant Cavalry SPV I, LLC – a purported assignee of a debt purportedly owed originally by Plaintiff to “Capital One Bank (USA), N.A.” **See Exhibit A.**

10. In the letter, Defendant Apothaker stated it was attempting to collect from Plaintiff a debt on behalf of Defendant Cavalry.

11. Upon receiving the said letter, Plaintiff, on November 10, 2014, sent a letter, via certified mail, to Defendant Apothaker disputing the validity of the purported debt. See Exhibit B.

12. Defendant Apothaker received said letter of November 12, 2014 as evidenced by the signed green card, PS Form 3811, a copy of which is attached hereto as Exhibit C.

13. Defendant Apothaker failed to respond to Plaintiff's said letter and, instead, on March 11, 2015, proceeded to file a complaint against Plaintiff for the purported debt in the Montgomery County Court of Common Pleas. See Exhibit D.

14. Plaintiff then retained the services of his undersigned attorney to defend the lawsuit which included the filing of preliminary objections on April 14, 2015.

15. After the preliminary objections were filed, Defendant Apothaker discontinued the action against Plaintiff on April 24, 2015. Id.

16. Defendant Apothaker's aforesaid conduct constitutes violations of the following sections of the FDCPA:

- a) § 1692g(b) in that said Defendant continued its collection efforts despite the fact that it did not respond to Plaintiff's aforesaid letter.
- b) § 1692d by engaging in conduct the natural consequence of which is to harass, oppress, or abuse a person;

- c) § 1692e by using any other false, deceptive, or misleading representation or means in connection with the debt collection;
- d) § 1692e(2) by misrepresenting the character, amount or legal status of the alleged debt;
- e) § 1692e(10) by using false representation or deceptive means to collect a debt;
- f) § 1692f by using an unfair or unconscionable means to collect or attempt to collect the alleged debt;
- g) § 1692f(1) by attempting to collect an amount not authorized by an agreement creating the purported debt or permitted by law.

17. The debt purportedly owed by Plaintiff to Defendant Cavalry was purchased from Capital One Bank (USA), N.A. after it had defaulted, thereby bringing Defendant Cavalry within the purview of the FDCPA.

18. Accordingly, Defendant Cavalry, as principal, is liable for the aforesaid violative acts of its agent, Defendant Apothaker.

19. Defendants' aforesaid conduct was done intentionally and in willful, wanton and reckless disregard of Plaintiff's rights for the purpose of coercing payment of a purported debt.

20. As a direct result of Defendants' aforesaid violative conduct, Plaintiff suffered actual damages including but not limited emotional distress and anxiety, hiring and attorney in connection with the defense of the lawsuit which was filed against him in Montgomery County, Pennsylvania, and incurring attorney's fees.

**WHEREFORE**, Plaintiff demands judgment against Defendants for,

- a) actual damages pursuant to 15 U.S.C. § 1692k(a)(1);
- b) statutory damages in the amount of \$1,000.00 pursuant to 15 U.S.C. § 1692k(a)(2)(A);
- c) costs of suit and reasonable attorneys' fees pursuant to 15 U.S.C. § 1692k(a)(3);
- d) such other relief as the Court deems just and proper.

**JURY DEMAND**

Plaintiffs hereby demand trial by jury on all triable claims.

LAW OFFICE OF JOSEPH M. ADAMS

By: 

Joseph M. Adams, Esq.

Attorney ID: 58430

200 Highpoint Drive

Suite 211A

Chalfont, PA 18914215-996-9977

Attorney for Plaintiff

# APOTHAKE SCIAN P.C.

*Formerly known as Apothaker & Associates, P.C.*

ATTORNEYS AT LAW

October 22, 2014

SOY THOMAS  
37 SIMONS WAY  
HUNTINGDON VALLEY, PA 19006-4248

RE: NAME OF CREDITOR TO WHOM THE DEBT IS OWED: CAVALRY SPV I, LLC.  
AS ASSIGNEE OF CAPITAL ONE BANK (USA), N.A.  
ORIGINAL CREDITOR: CAPITAL ONE BANK (USA), N.A.  
AMOUNT OF THE DEBT: \$4970.33 as of October 22, 2014  
OUR FILE NO: [REDACTED]


DEAR SOY THOMAS:

Please be advised that this firm has been retained by CAVALRY SPV I, LLC, AS ASSIGNEE OF CAPITAL ONE BANK (USA), N.A. to obtain payment of the debt listed above.

Unless you dispute the validity of the referenced debt or any portion thereof within 30 days after your receipt of this letter, this office will assume the debt to be valid. If within the 30-day period, you notify us in writing that the debt, or any portion thereof, is disputed, we will obtain verification of the debt or a copy of a judgment against you (if a judgment has been entered), and a copy of such verification or judgment will be mailed to you by us. Upon your written request within the 30-day period, we will provide you with the name and address of the original creditor (if different from the creditor to whom the debt is owed). This is an attempt to collect a debt and all information obtained will be used for that purpose. This firm is a debt collector.

For further information, or to make arrangements for the payment of the Amount of the Debt, call 800-672-0215.

Apothaker Scian P.C.  
A Law Firm Engaged in Debt Collection

  
Benjamin J. Cavallaro, Esquire

520 Fellowship Road Suite C306, PO Box 5496, Mt. Laurel, NJ 08054-5496

800 672.0215 800 757.4928f  
856 780.1000 856 780.1020f  
215 634.8920 215 634.8421f

[info@apothaker.com](mailto:info@apothaker.com)



November 10, 2014

sent out on the date shown by  
certified mail & Return Receipt

No response received

Benjamin J. Cavallaro, Esquire, Apothaker Scian P.C  
520 Fellowship Rd Ste C306 , Mt Laurel, NJ 08054-5496

Dear Mr. Cavallaro,

Re: File No: [REDACTED]

This letter is being sent to you in response to a notice sent to me on October 22, 2014. Be advised that this is not a refusal to pay, but a notice sent pursuant to the Fair Debt Collection Practices Act, 15 USC 1692g Sec. 809 (b) that our claim is disputed and validation is requested.

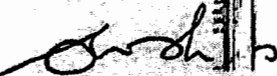
This is NOT a request for "verification" or proof of my mailing address, but a request for VALIDATION made pursuant to the above noted Title and Section. I respectfully request that your offices provide me with competent evidence that I have any legal obligation to pay you.

A typed letter showing an account number, balance due or any monthly statements are not validation but please provide me with ALL of the following:

1. What the money you say I owe is for;
2. Explain and show me how you calculated what you say I owe;
3. Provide me with copies of any papers that show I agreed to pay what you say I owe;
4. Provide me with a copy of the original application with my signature and all competent evidence that demonstrate I have the legal obligation to pay you.
6. Prove the Statute of Limitations has not expired on this account

If your office is able to provide the proper documentation as requested in the following Declaration, I will require at least 30 days investigating this information and during such time all collection activity must cease and desist. If your offices fail to respond to this validation request within 30 days from the date of your receipt, all references to this account must be deleted and completely removed from my credit file and a copy of such deletion request shall be sent to me immediately. I would also like to request, that all future communications with me MUST be done in writing and sent to the address noted in this letter by USPS.

Best Regards,



Soy Thomas  
37 Simons Way, Huntingdon Valley, PA 19006



**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

## 1. Article Addressed to:

Benjamin J Cavallaro Esq  
 Apotheker Seiam P.C  
 520 Fellowship Rd Ste G-306  
 NJ 08054-5496

## 2. Article Number

(Transfer from service number)

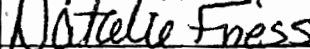
7014 0510 0000 8749 0507

**COMPLETE THIS SECTION ON DELIVERY**

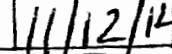
## A. Signature


☐ Agent☐ Addressee

## B. Received by (Printed Name)



## C. Date of Delivery


D. Is delivery address different from item 1? ☐ YesIf YES, enter delivery address below: ☐ No

## 3. Service Type

☐ Certified Mail☐ Express Mail☐ Registered☐ Return Receipt for Merchandise☐ Insured Mail☐ C.O.D.

## 4. Restricted Delivery? (Extra Fee)

☐ Yes

## Case #2015-05203

Case Number	2015-05203
Commencement Date	3/11/2015
Case Type	Complaint Civil Action
PFA Number	
Caption Plaintiff	CAVALRY SPV I LLC AS ASSIGNEE OF CAPITAL ONE BANK USA N A
Caption Defendant	THOMAS, SOY
Lis Pendens Indicator	No
Status	6 - CLOSED
Judge	BARRETT
Remarks	
Sealed	No
Interpreter Needed	

## Plaintiffs

Name	Address	Country	Counsel	Notify	Sequence
CAVALRY SPV I LLC AS ASSIGNEE OF CAPITAL ONE BANK USA N A	500 SUMMIT LAKE DRIVE STE 400 VALHALLA, NY 10595 UNITED STATES	UNITED STATES	APOTHAKER, DAVID J	Yes	1

## Defendants

Name	Address	Country	Counsel	Notify	Sequence
THOMAS, SOY	37 SIMONS WAY HUNTINGDON VALLEY, PA 19006 UNITED STATES	UNITED STATES	ADAMS, JOSEPH M	Yes	1

## Docket Entries

Seq.		Filing Date	Docket Type	Docket Text	Sealed	Filing ID
0	E	3/11/2015	Complaint Civil Action		No	10205193
1		3/26/2015	(Internal Use Only) Served	SOY THOMAS ON 3-24-15	No	10233297
2	E	4/14/2015	Entry of Appearance	OF JOSEPH M. ADAMS, ESQ. FOR DEFENDANT SOY THOMAS	No	10257357
3	E	4/14/2015	Preliminary Objections of	SOY THOMAS WITH MEMORANDUM OF LAW WITH SERVICE ON 04/15/2015	No	10257564
4	E	4/14/2015	Affidavit/Certificate of Service of	ENTRY OF APPEARANCE ON 04/14/2015 TO DAVID J. APOTHAKER, ESQ.	No	10257542
5	E	4/24/2015	Order to Discontinue For Cases Filed 1993 & Above		No	10272297



LAW OFFICE OF  
**JOSEPH M. ADAMS**  
ATTORNEY AT LAW  
200 HIGHPOINT DRIVE, SUITE 211A  
CHALFONT, PA 18914-3925

TEL: (215) 996-9977  
FAX: (215) 996-9111

MEMBER: PA & NJ BARS

August 14, 2015

Clerk of Court  
U.S.D.C. for the E.D. Pa.  
U.S. Courthouse  
601 Market St, Room 2609  
Philadelphia, PA 19106-1797

15 4679

Re: Thomas v. Apothaker, et al.

Dear Clerk:

Please file the enclosed complaint and accompanying paperwork, and return a summons for each defendant. A CD of the complaint is enclosed along with a check in the amount of \$400 for the filing fee.

Thank you.

Very truly yours,



Joseph M. Adams  
Attorney for Plaintiff

Enclosures

The JS 44 civil cover sheet is to be filed with the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

**I. (a) PLAINTIFFS**  
SOY THOMAS

**DEFENDANTS**  
APOTHAKE SCIAN, P.C.  
CAVALRY SPV I, LLC

15 4679

**(b)** County of Residence of First Listed Plaintiff MONTGOMERY  
(EXCEPT IN U.S. PLAINTIFF CASES)

County of Residence of First Listed Defendant

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

**(c)** Attorneys (Firm Name, Address, and Telephone Number)  
LAW OFFICE OF JOSEPH M. ADAMS  
JOSEPH M. ADAMS, ESQ.  
200 HIGHPOINT DRIVE, SUITE 211A  
CHALFONT, PA 18914

Attorneys (If Known)

**II. BASIS OF JURISDICTION** (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff  
☒ 3 Federal Question (U.S. Government Not a Party)  
☐ 2 U.S. Government Defendant  
☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

**III. CITIZENSHIP OF PRINCIPAL PARTIES** (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- |   |                            |                            |   |                            |                            |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
|   | PTF                        | DEF                        |   | PTF                        | DEF                        |
| Citizen of This State                   | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business in This State     | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State                | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business in Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation  | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

**IV. NATURE OF SUIT** (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<b>PERSONAL INJURY</b> <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other <b>LABOR</b> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark <b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g))	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input checked="" type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
<b>REAL PROPERTY</b> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<b>CIVIL RIGHTS</b> <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities Employment <input type="checkbox"/> 446 Amer. w/Disabilities Other <input type="checkbox"/> 448 Education	<b>PRISONER PETITIONS</b> <b>Habeas Corpus:</b> <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <b>Other:</b> <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement	<b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609		
		<b>IMMIGRATION</b> <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions			

**V. ORIGIN** (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding  
☐ 2 Removed from State Court  
☐ 3 Remanded from Appellate Court  
☐ 4 Reinstated or Reopened  
☐ 5 Transferred from Another District (specify)  
☐ 6 Multidistrict Litigation

**VI. CAUSE OF ACTION**

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

15 U.S.C. Section 1692 et seq.

Brief description of cause:

Defendants violated the FDCPA

**VII. REQUESTED IN COMPLAINT:**

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No

**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE

DOCKET NUMBER

DATE

8/13/2015

SIGNATURE OF ATTORNEY OF RECORD

Joseph M. Adams

AUG 17 2015

FOR OFFICE USE ONLY

RECEIPT # AMOUNT APPLYING IFP JUDGE MAG. JUDGE

ER

## UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF PENNSYLVANIA — DESIGNATION FORM to be used by counsel to indicate the category of the case for the purpose of assignment to appropriate calendar.

Address of Plaintiff: 37 SIMONS WAY, HUNTINGDON VALLEY, PA 19004

15 4679

Address of Defendant: 520 FELLOWSHIP ROAD, SUITE C306, MOUNT LAUREL, NJ 08054; 500 SUMMIT LAKE DRIVE, SUITE 400, VALHALLA, NY 10595

Place of Accident, Incident or Transaction: MONTGOMERY COUNTY, PA

(Use Reverse Side For Additional Space)

Does this civil action involve a nongovernmental corporate party with any parent corporation and any publicly held corporation owning 10% or more of its stock?

(Attach two copies of the Disclosure Statement Form in accordance with Fed.R.Civ.P. 7.1(a))

Yes ☐No ☒

Does this case involve multidistrict litigation possibilities?

Yes ☐No ☒

RELATED CASE, IF ANY:

Case Number: \_\_\_\_\_ Judge \_\_\_\_\_ Date Terminated: \_\_\_\_\_

Civil cases are deemed related when yes is answered to any of the following questions:

1. Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court?  
Yes ☐ No ☒
2. Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court?  
Yes ☐ No ☒
3. Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action in this court?  
Yes ☐ No ☒
4. Is this case a second or successive habeas corpus, social security appeal, or pro se civil rights case filed by the same individual?  
Yes ☐ No ☒

CIVIL: (Place ☒ in ONE CATEGORY ONLY)

A. Federal Question Cases:

1. ☐ Indemnity Contract, Marine Contract, and All Other Contracts
2. ☐ FELA
3. ☐ Jones Act-Personal Injury
4. ☐ Antitrust
5. ☐ Patent
6. ☐ Labor-Management Relations
7. ☐ Civil Rights
8. ☐ Habeas Corpus
9. ☐ Securities Act(s) Cases
10. ☐ Social Security Review Cases
11. ☒ All other Federal Question Cases  
(Please specify) 15 U.S.C. Section 1692 et seq (FDCPA)

B. Diversity Jurisdiction Cases:

1. ☐ Insurance Contract and Other Contracts
2. ☐ Airplane Personal Injury
3. ☐ Assault, Defamation
4. ☐ Marine Personal Injury
5. ☐ Motor Vehicle Personal Injury
6. ☐ Other Personal Injury (Please specify)
7. ☐ Products Liability
8. ☐ Products Liability — Asbestos
9. ☐ All other Diversity Cases

(Please specify) \_\_\_\_\_

ARBITRATION CERTIFICATION

(Check Appropriate Category)

I, JOSEPH M. ADAMS, counsel of record do hereby certify:

- ☐ Pursuant to Local Civil Rule 53.2, Section 3(c)(2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000.00 exclusive of interest and costs;
- ☐ Relief other than monetary damages is sought.

DATE: 8/13/2015

Joseph M. Adams  
Attorney-at-Law

58430

Attorney I.D.#

NOTE: A trial de novo will be a trial by jury only if there has been compliance with F.R.C.P. 38.

I certify that, to my knowledge, the within case is not related to any case now pending or within one year previously terminated action in this court except as noted above.

DATE: 8/13/2015

Joseph M. Adams  
Attorney-at-Law

58430

Attorney I.D.#

AUG 17 2015

ER ER

IN THE UNITED STATES DISTRICT COURT FOR  
THE EASTERN DISTRICT OF PENNSYLVANIACASE MANAGEMENT TRACK DESIGNATION FORM

SOY THOMAS

CIVIL ACTION

v.

**15 4679**APOTHAKE SCIAN, P.C. and  
CAVALRY SPV I, LLC

NO.

In accordance with the Civil Justice Expense and Delay Reduction Plan of this court, counsel for plaintiff shall complete a Case Management Track Designation Form in all civil cases at the time of filing the complaint and serve a copy on all defendants. (See § 1:03 of the plan set forth on the reverse side of this form.) In the event that a defendant does not agree with the plaintiff regarding said designation, that defendant shall, with its first appearance, submit to the clerk of court and serve on the plaintiff and all other parties, a Case Management Track Designation Form specifying the track to which that defendant believes the case should be assigned.

**SELECT ONE OF THE FOLLOWING CASE MANAGEMENT TRACKS:**

- (a) Habeas Corpus - Cases brought under 28 U.S.C. § 2241 through § 2255. ( )
- (b) Social Security - Cases requesting review of a decision of the Secretary of Health and Human Services denying plaintiff Social Security Benefits. ( )
- (c) Arbitration - Cases required to be designated for arbitration under Local Civil Rule 53.2. ( )
- (d) Asbestos - Cases involving claims for personal injury or property damage from exposure to asbestos. ( )
- (e) Special Management - Cases that do not fall into tracks (a) through (d) that are commonly referred to as complex and that need special or intense management by the court. (See reverse side of this form for a detailed explanation of special management cases.)
- (f) Standard Management - Cases that do not fall into any one of the other tracks. (X)

8/13/2015  
Date  
Attorney-at-lawJoseph M. Adams, Esq.  
Attorney for Plaintiff215-996-9977  
Telephone215-996-9111  
FAX Numberjosephmadamsesq@verizon.net  
E-Mail Address